



U. S. Department of Housing and Urban Development
Washington, D.C. 20410

OFFICE OF LEAD HAZARD CONTROL

POLICY GUIDANCE NUMBER: 96-03		DATE: May 14, 1996	
SUBJECT:	Amendment to Section 1011 of Title X: Income Eligibility Requirements		
STATUS:	Current		
APPLICABILITY:	Grant Rounds I, II, III.		
RELATED GUIDANCE:	Policy guidance 94-02.		
COMMENTS:	These requirements were published in the Notice of Funding Availability for Round IV and subsequent rounds.		

Dear Lead-Based Paint Hazard Control Grantee:

As a result of the following provisions contained in the recently enacted appropriations act for this Department (Section 217 of Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104-134, amending Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X)), the income eligibility requirements of the Lead-Based Paint Hazard Control Grant Program have been modified.

Sec. 1011 GRANTS FOR LEAD-BASED PAINT HAZARD REDUCTION IN TARGET HOUSING.

(a) General Authority. The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria--

(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under

this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that building with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level:

(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.”

This change permits much more flexibility for Round Two and Three grantees regarding the units that may be assisted, even if your program is already underway. This amendment to Section 1011(a) of Title X was introduced in Congress before the award of Round Three grants. Because it was clearly the intention of Congress to provide this option to all grantees previously governed by Section 215 of the National Affordable Housing Act and the implementing HOME eligibility requirements, the Department is interpreting this provision to include Round Three grantees as well. It is, however, optional; grantees may choose to retain the current eligibility requirements based upon Section 215 of the National Affordable Housing Act and the implementing HOME regulations. A choice must be made, however. A grantee cannot utilize both sets of requirements for perspective enrollment.

It should be noted that this modification of the income eligibility requirements pertains to those housing units receiving Lead-Based Paint Hazard Control Grant Fund assistance. Grantees which combine other sources of funding (e.g., CDBG, HOME, Rehabilitation, etc.) with lead hazard control grant funds, must ensure that housing units receiving such assistance also meet the income eligibility requirements applicable to other programs. When combining assistance programs, the more restrictive requirements govern.

Please review these changes and direct any questions you may have to your Government Technical Representative (GTR). Again, you may opt to retain your existing income eligibility requirements. Otherwise you should begin developing a transition to the new requirements in a manner that is least disruptive to your program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis G. Goldman", with a long horizontal flourish extending to the left.

Ellis G. Goldman
Director, Program Management Division

